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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 KEN WALTERS, JOHN BONILLA, in their
10 respective capacities as Trustees of the
11 OPERATING ENGINEERS HEALTH AND
12 WELFARE TRUST FUND, PENSION FUND
13 FOR OPERATING ENGINEERS,
14 PENSIONED OPERATING ENGINEERS
15 HEALTH AND WELFARE FUND,
16 OPERATING ENGINEERS VACATION
17 AND HOLIDAY TRUST FUND,
18 NORTHERN CALIFORNIA
19 PREAPPRENTICE, APPRENTICE AND
20 JOURNEYMAN AFFIRMATIVE ACTION
21 TRAINING FUND, OPERATING
22 ENGINEERS CONTRACT
23 ADMINISTRATION FUND FOR
24 NORTHERN CALIFORNIA, OPERATING
25 ENGINEERS INDUSTRY STABILIZATION
26 TRUST FUND AND OPERATING
27 ENGINEERS MARKET PRESERVATION
28 TRUST FUND,

Plaintiffs,

v.

STATEWIDE CONCRETE BARRIER, INC.,
a California corporation; and CHARLES
WELLS, an Individual,

Defendants.

Case No. C-04-2559 JSW (MEJ)

**PROPOSED ORDER TO SHOW CAUSE
AND ORDER CONTINUING BRIEFING
ON MOTION FOR DEFAULT JUDGMENT**

Fed. R. Civ. Pro., Rule 70

Having issued herein on September 20, 2005, its Order Adopting Report And
Recommendation Re Plaintiffs' Motion For Default Judgment and including therein its judgment
granting Plaintiffs an injunction requiring defendants to submit to an audit of the appropriate trust
fund records so that Plaintiffs may ascertain the total amount of contributions owed; having found

1 that plaintiffs have served said order on defendants and that defendants have willfully failed to
2 honor the Court's order, THE COURT HEREBY ORDERS DEFENDANTS no later than -
3 August 4, 2006, to file in this Court and to serve on Plaintiffs their response to this
4 Order and TO SHOW CAUSE why they should not be held in contempt of court and why an order
5 should not issue to the United States Marshal Service, or to its delegate, to take possession of and
6 seize defendants' business records and present them to plaintiffs' auditor for examination.
7 Plaintiffs will then have until August 18, 2006, to reply; HEARING on this Order To Show
8 Cause will then be held on September 1, 2006, at United States District Court, 450 Golden State
9 Avenue, San Francisco, California, on the 17th Floor, in courtroom 2.

10 The Court further orders that a further continuance shall be granted to Plaintiffs until
11 September 25, 2006, or until such audit has been completed, to file either their supplementary
12 brief on the amount of damages to be awarded or to file an amended complaint for any damages
13 that may exceed that claimed in the original complaint.

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15 DATED: July 14, 2006

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18 THE HONORABLE JEFFREY S. WHITE
19 UNITED STATES DISTRICT JUDGE